

Proposed Rules
of
The Tennessee Board of Regents
State University and Community College System of Tennessee
Jackson State Community College

Chapter 0240-3-11
Student Disciplinary Rules

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to Tennessee Code Annotated, §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park Building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Eighth Floor, William R. Snodgrass Tower, 312 Eighth Avenue, North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary M. Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4437.

The text of the proposed amendments is as follows:

Amendments

1. Subparagraphs (a) and (b) of paragraph (3) of Rule 0240-3-11.05 Disciplinary Procedures are amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraphs (a) and (b) shall read:

- (a) The principle of due process in student discipline is assumed at Jackson State Community College. Any student accused of a disciplinary offense or academic misconduct will be afforded an opportunity to contest the charge through procedures initiated by and coordinated with the Vice President for Student Services.
- (b) Disposition by the Vice President for Student Services. A student may request that the Vice President for Student Services adjudicate the case. If such is made, the following procedures shall apply:

2. Part 1. of subparagraph (b) of paragraph (3) of Rule 0240-3-11-.05 Disciplinary Procedures is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 1. shall read:

- 1. The Vice President for Student Services shall advise the student in writing of the alleged charges against him or her and proceed to gather information concerning the case.

3. Parts 3. through 5. of subparagraph (b) of paragraph (3) of Rule 0240-3-11-.05 Disciplinary Procedures are further amended by deleting the text of the parts and substituting the following language, so that, as amended, parts 3. through 5. shall read:

- 3. The Vice President for Student Services shall review the evidence, make a determination of innocence or guilt, and decide upon a proper disciplinary sanction.

4. The accused student and the Vice President for Student Services shall meet and discuss the Vice President's findings and recommended disciplinary sanction. The findings shall cite specific disciplinary offenses and specific sanctions as described in these rules.
5. The student shall be advised of his or her right to appeal the decision of the Vice President for Student Services to the President of the College.

4. Part 1. of subparagraph (c) of paragraph (3) of Rule 0240-3-11-.05 Disciplinary Procedures is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 1. shall read:

1. The Vice President for Student Services shall advise the student in writing of the alleged charges against him or her and initiate an investigation.

5. Part 4. of subparagraph (c) of paragraph (3) of Rule 0240-3-11-.05 Disciplinary Procedures is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 4. shall read:

4. The Vice President for Student Services shall present the result of the investigation and when appropriate, make a recommendation to the Committee. Witnesses and/or statements from witnesses may be entered as evidence.

6. Paragraph (1) of Rule 0240-3-11-.06 Traffic and Parking Regulations is amended by deleting the text of the paragraph and substituting the following language, so that, as amended, paragraph (1) shall read:

- (1) Regular faculty and full-time staff members may either pay an annual access fee for parking privileges in restricted parking lots or pay for a reserved parking space. Part-time faculty and staff will be assessed a per semester access fee for parking privileges in restricted parking lots.

7. Subparagraphs (a) and (b) of paragraph (5) of Rule 0240-11-.06 Traffic and Parking Regulations are further amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (a) and (b) shall read:

- (a) Faculty, staff, or students who trade cars may secure a replacement decal by presenting the number of the original decal. The original decal should be destroyed. All violations against an old decal or previously used decal will be charged to the person to whom it was originally issued.
- (b) Visitor and temporary parking permits may be obtained from the office of Business Services in the Administration Building, the Night Office in the Nelms Classroom Building, the Assessment Center in the Student Union Building, or the Economic and Community Development office in the McWherter Center. Temporary permits shall be secured to drive an unregistered vehicle in an emergency situation.

8. Subparagraph (c) of paragraph (5) of Rule 0240-3-11-.06 Traffic and Parking Regulations is further amended by deleting the subparagraph in its entirety and relettering the subsequent subparagraphs accordingly.

9. Paragraph (5) of Rule 0240-3-11-.06 Traffic and Parking Regulations is further amended by adding new subparagraphs (c) (formerly (d)) through (g) (formerly (h)) so that, as amended, subparagraphs (c) through (g) shall read:

- (c) Each student, faculty, or staff member intending to drive one or more vehicles on campus must register each vehicle. Failure to comply with this regulation may result in disciplinary action.
- (d) Registration must include name of registrant, student identification number, and license plate number, county and state of plate issue, and year, make, color, and model of car.
- (e) Changes in license plates must be reported to the office of Business Services within five (5) days of such changes. Failure to do so may be grounds for revocation of parking privileges.
- (f) Illegible and/or damaged decals must be replaced. Failure to replace a damaged decal within five (5) days of notification will result in a ticket. Damaged decals will be replaced at no cost to the student when the scrapping from the old decal is turned into the office of Business Services.
- (g) The acceptance of a parking decal by any person shall constitute the acceptance of the responsibility to ensure that no vehicle owned or registered in his or her name is parked or operated in violation of these regulations.

10. Subparagraph (a) of paragraph (6) of Rule 0240-3-11-.06 Traffic and Parking Regulations is further amended by adding new parts 6. and 7. New parts 6. and 7. shall read:

- 6. Citations for violations must be paid promptly and within the semester issued. Fines may be paid in the office of Business Services. The violator's copy of the citation must be presented at the time of payment.
- 7. Traffic citations not paid by the last day of final exam week each semester prohibit release of the student violators' grade report and official transcript. The student may not register for the ensuing semester and, in cases where a student has registered early, he/she may be withdrawn from the College.

11. Part 1. of subparagraph (c) of paragraph (6) of Rule 0240-3-1--.06 Traffic and Parking Regulations is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 1. shall read:

- 1. If a citation is issued and you believe you have a justifiable reason that may affect the traffic citation, you may appeal to the Vice President for Student Services. Appeals must be in writing and received within five (5) working days of the issuance of the citation.

12. The first paragraph of Part 2. of subparagraph (c) of paragraph (6) of Rule 0240-3-11-.06 Traffic and Parking Regulations is further amended by deleting the first paragraph of the part in its entirety and renumbering the subsequent parts accordingly.

13. Part 2. (formerly 3.) of subparagraph (c) of paragraph (6) of Rule 0240-3-11-.06 Traffic and Parking Regulations is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 2. shall read:

2. All accidents involving injury to persons, equipment, cars, etc., must be reported to the Director of the Physical Plant and Security at ext. 619 between 8:00 a.m. and 4:30 p.m. or the Night Office in Room 104 of the Nelms Classroom Building between 4:30 p.m. and 9:30 p.m. Monday through Thursday or the Security Guard on duty at (731)225-5952 after 4:30 p.m. Friday and throughout the weekend.

Authority: T.C.A. §49-8-203.

14. Rule 0240-3-11-.07 Registration of Motor Vehicles is amended by deleting the rule in its entirety.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 16th day of January, 2007 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 31st day of May, 2007. (01-14-07)